

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 452 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PRIYAVADAN HIRALAL DESAI

Versus

GAJIKHAN NYALKHAN

Appearance:

MR PV NANAVATI for Appellant

MS MEGHA JANI for Respondent No. 3

CORAM : MR.JUSTICE J.N.BHATT and
MR.JUSTICE A.M.KAPADIA

Date of decision: 04/05/99

ORAL JUDGEMENT (Per J.N. Bhatt, J.):--

Admit. Ms. Megha Jani, learned advocate waives service of notice. In the facts and special circumstances and upon the request of learned advocates for the parties, the matter is taken up for final hearing today.

We have heard learned advocates for the parties. We have

also examined the relevant evidence. We are of the opinion that the amount of compensation awarded under the head of mental pain, shock and sufferings, in view of the nature and number of injuries sustained, the extent of disablement, the age and avocation of the claimant and the resultant physical discomforts, is required to be, upwardly, enhanced by Rs.15,000/- The Tribunal has awarded Rs.35,000/- We, therefore, propose to add Rs.15,000/- more, which means, the claimant, now, would be entitled to an amount of Rs.50,000/- under the head of mental pain, shock and sufferings.

We are also convinced that the amount of Rs.10,000/under the heads like medical expenses, attendance expenditure and charges as the wife of the claimant, who was a practicing Pathologist, was attending him, who was deprived of her working hours as she attended the spouse/claimant for almost two months, requires to be enhanced. We, therefore, propose to enhance the amount of compensation by Rs.10,000/- for medical expenses and attendant charges, including medical expenses.

In the result, the injured claimant, who is a living victim of a vehicular accident, will, now, be entitled to an amount of Rs.25,000/- more, over and above the amount awarded by the Tribunal, with the same rate of interest, as awarded by the Tribunal. The rate of interest on the enhanced amount compensation will be effective from the date of this decision till the date of payment. The respondents are directed to deposit the additional amount of Rs.25,000/- with proportionate interest and costs, at the same rate as awarded by the Tribunal, from today till the date of payment, within a period of six weeks from today. The impugned judgment and award shall stand modified to that extent. No order as to costs.

(karan)